THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19252 of 2006

ORAL ORDER:

This writ petition is filed seeking Mandamus declaring the proceedings issued by the respondent in No.130/2006(B2/4272/06) dated 13.9.2006 as illegal and arbitrary.

By the impugned proceedings, the authorisation held by the petitioner against Shop No.829, Circle-VIII, New Bhoiguda, Secunderabad was suspended on the following grounds:

1. That the dealer is issuing less quantities of Kerosene i.e. 8 litres per card even though he has been directed to supply 10 litres each on every HHS Card and thus deprived the right of the cardholders in getting their legitimate quota.
2. That the dealer is not maintaining scheduled timings and causing inconvenience to the cardholders.
3. That the dealer has allowed an authorized person to conduct the FP Shop business.
4. That the dealer has failed to maintain stock board, quantum board and price board.

A bare reading of the above grounds would indicate that they are not only general, but also vague.

This Court while admitting the writ petition on 15.9.2006, granted interim suspension of the impugned order and the petitioner is continuing as dealer. Now a vacate stay petition is filed by the respondent denying the allegations made by the petitioner and asserted that the impugned order is absolutely in accordance with law and it is only an interim suspension pending enquiry and not a suspension as a measure of punishment, therefore, this Court may not interfere under Article 226 of the Constitution of India.

I am of the opinion that suspension pending enquiry may not be a punishment, but still every allegation made against the petitioner

need not lead to suspension of his authorisation. The allegations, on the face of it, are general and vague. Therefore, there was no necessity for suspending the authorisation of the petitioner pending enquiry into such allegations. Hence, the impugned order is liable to be set aside.

In the result, the writ petition is allowed and the impugned order dated 13.9.2006 is set aside. However, this will not preclude the authorities from conducting enquiry into the matter and passing appropriate orders as per law. No order as to costs.

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C.V.RAMULU,
J

Date: 9.11.2006

DA

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W.P.No.19252 of 2006

9.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19252 of 2006

Date: 9th November, 2006

Between:

M.N.Lingappa

.. Petitioner

And

The District Supply Officer,
Hyderabad City, Near Anand Talkies,
Secunderabad.

.. Respondents